

Drug/DUI Court Application Process:

Fill out the attached Request for Admission and Release of Information forms, and take them to the Cass County State's Attorney's Office.

If your application is approved by the State's Attorney's Office, your paperwork will be forwarded to a Drug Court Probation Officer.

A Drug Court Probation Officer will contact you to schedule a face-to-face appointment. At this appointment, arrangements will be made for you to participate in a chemical dependency evaluation.

After the probation appointment and chemical dependency evaluation, the Drug Court Team will consider your application. Following consideration of your application, you and your attorney will be notified of the Team's decision, and notice will be placed in your Court file.

What is East Central Judicial District Drug Court?

Drug Court is a court supervised, treatment oriented program that targets non-violent participants whose major problems stem from substance abuse. The Drug Court Program is a voluntary program, which includes regular court appearances before the Drug Court Judge. Treatment includes drug testing, individual and group counseling, and regular attendance at 12-Step meetings. The probation officer and the treatment team may also assist with obtaining education and skills assessments and will provide referrals for vocational training, education, and/or job placement services.

The program length, determined by the participant's progress, will be no less than one year. Successful completion and "graduation" from the Drug Court Program may result in having probation terminated early.

A Team Approach

The East Central Judicial District Drug Court Team consists of judges from the East Central District Court, the State's Attorney's Office, the Probation Officer, the Treatment Providers, and the Defense Attorney.

Who qualifies for East Central Judicial District Drug Court?

Candidates must have multiple prior Misdemeanor or Felony drug offenses, or in DUI cases must have three or more DUIs. The current offense must be a class A Misdemeanor or greater. Candidates may qualify if this is their first Felony offense and there is a supporting history of substance abuse. They cannot be violent offenders and must demonstrate a willingness to accept responsibility for their addiction and criminal conduct. They must receive an addiction evaluation and have a chemical addiction diagnosis.

Candidates who have previously been in any drug court program are not eligible. Candidates are also not eligible if the current offense or criminal history includes drug delivery, intent to deliver, or manufacturing.

For More Information Contact:

North Dakota Field Services Division
Jennifer College or Dave Birrenkott
115 N University Drive
Fargo, ND 58102
701-239-7272

VIOLENT OFFENDER PROHIBITION

Federal regulation defines "violent offender" as:

A person who either -

1. Is charged with or convicted of an offense, during the course of which offense or conduct
 - A. The person carried, possessed, or used a firearm or dangerous weapon;
 - B. There occurred the death of, or serious bodily injury to any person;
 - or
 - C. There occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted;
 - or
2. Has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm, 42 U.S.C. §3796ii *et seq.*

The statute's definition of violent offender specifically limits prior offenses that cause a person to be categorized as a "violent offender" to felony crimes of violence. If a person has a prior misdemeanor conviction, even though threatened or actual use of force; or use, possession, or carrying a firearm or dangerous weapon occurred during the offense, the person is not a violent offender according to the statute. Therefore, the offender is eligible for the Drug Court program as long as his or her current offense does not fall within the violent offender definition.

Program Design

As participants progress through the three phases the requirements become less restrictive. Each phase has specific goals a participant must achieve prior to advancing to the next phase. Once a participant has successfully completed all three phases, he/she will graduate. Incentives and sanctions may be given based on the progress of the participant.

Phase I: Minimum of four months

- ❖ Attend one Drug Court session weekly
- ❖ Provide a minimum of two alcohol or drug tests weekly
- ❖ Report to probation officer as scheduled
- ❖ Attend two AA/NA meetings weekly
- ❖ Obtain and maintain a 12-Step sponsor
- ❖ Meet financial obligations
- ❖ Attend and participate in all counseling sessions
- ❖ Maintain approved stable housing and employment, training, or education
- ❖ If DUI offense, attend victim impact panel
- ❖ Have 60 days of continuous sobriety

Phase II: Minimum of four months

- ❖ Attend one Drug Court session every two weeks
- ❖ Provide a minimum of one alcohol or drug test weekly
- ❖ Report to probation officer as scheduled
- ❖ Attend two AA/NA meetings weekly
- ❖ Continue to maintain a 12-Step Sponsor
- ❖ Participate in all counseling sessions
- ❖ Meet financial obligations
- ❖ Maintain approved stable housing and unemployment, training, or education
- ❖ Have 120 days of continuous sobriety

Phase III: Minimum of four months

- ❖ Attend one Drug Court session every three weeks
- ❖ Provide two alcohol or drug tests monthly
- ❖ Report to probation officer as scheduled
- ❖ Attend two AA/NA meetings weekly
- ❖ Continue to maintain a 12-Step sponsor
- ❖ Attend and participate in all counseling sessions
- ❖ Meet financial obligations
- ❖ Maintain approved housing and employment, training, or education
- ❖ Have 120 continuous days of sobriety
- ❖ Complete an exit interview and have established plan for aftercare

REQUEST FOR ADMISSION INTO THE
EAST CENTRAL JUDICIAL DISTRICT
DRUG COURT PROGRAM

YOU MUST RESIDE IN CASS COUNTY TO BE ELIGIBLE FOR THIS PROGRAM

I, _____, state under penalty of law, that on
(Print Name)
_____ I was accused of/charged with the following
(Date)
offense(s): _____

I have no felony convictions in any state for delivery, intent to deliver, or manufacturing of a controlled substance. I have no convictions for a violent offense as defined on the back of this form. I have not been involved in a motor vehicle collision that resulted in injury or death to another person while under the influence of alcohol or drugs.

I need substance abuse treatment and want to participate in the drug court program. I have read the entire contents of this document, understand everything in this document, and am willing to follow the requirements of the drug court program if I am admitted into the program.

Name (Signature)

Date

Address

Phone Number

YOU MUST FORWARD THIS FORM TO THE CASS COUNTY STATES ATTORNEYS OFFICE
AND

YOU MUST CONTACT JENNIFER COLLEGE or DAVE BIRRENKOTT, DRUG COURT
COORDINATORS, AT 239-7272 WITHIN 24 HOURS OF COMPLETING THIS FORM

DO NOT WRITE BELOW THIS LINE (FOR PROSECUTOR AND COURT CLERK'S ONLY)

Form received by State's Attorney _____

Referral to the Drug Court Program is Approved Denied (Circle One)

State's/ Assistant State's Attorney

Date

File Number

Court Date & Time

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE
INFORMATION: DRUG COURT REFERRAL

East Central Judicial District Drug Court

I, _____, DOB: _____ hereby consent to
(First and Last name)
communication between Brenda Ross-Phillips and ShareHouse Fargo; Judge Irby,
Judge McCullough and the Cass County District Court Judges; Gary Euren, Cherie
Clark and the Cass County State's Attorney's Office; Jennifer College, Dave
Birrenkott and the North Dakota Department of Corrections-Division of Field
Services; and _____.
Defense Counsel

The purpose of, and need for, this disclosure is to inform the court and all
other named parties of my eligibility and/or acceptability for substance abuse
treatment services and my treatment attendance, prognosis, compliance and
progress in accordance with the drug court program's monitoring criteria.

Disclosure of this confidential information may be made only as necessary
for, and pertinent to, hearings and/or reports concerning:

List charges, court number

I understand that this consent will remain in effect and cannot be revoked by
me until there has been a formal and effective termination of my involvement with
the drug court program for the above-referenced case, such as the discontinuation of
all court supervision upon my successful completion of the drug court requirements
OR upon sentencing for violating the terms of my drug court involvement.

I understand that any disclosure made is bound by Part 2 of Title 42 of the
Code of Federal Regulations, which governs the confidentiality of substance abuse
patient records and that recipients of this information may redisclose it only in
connection with their official duties.

I also understand that information will be gathered and utilized for
monitoring of the program's operation and protection under Part 2 of Title 42 CFR
applies.

Date

Name

Signature